



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing For September 18, 1996 To Consider Appeal Received From Byron Weisz Regarding His Application To Install A Pool At 1936 Edgewood Drive, Lodi

MEETING DATE: August 21, 1996

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council set a public hearing for September 18, 1996 to consider appeal received from Byron Weisz regarding his application to install a pool at 1936 Edgewood Drive, Lodi.

BACKGROUND INFORMATION: The City Clerk's office received a letter of appeal (attached) from Byron Weisz regarding his application to install a pool (partially over City property) at 1936 Edgewood Drive, Lodi. It is recommended that the City Council set this matter for a Public Hearing for September 18, 1996.

FUNDING: None required.


Jennifer M. Perrin
City Clerk

JMP

Attachment

APPROVED: 
H. Dixon Flynn - City Manager

RECEIVED

JUL 22 1996

July 22, 1996

City of Lodi
221 West Pine Street
Lodi, CA. 95240



CITY OF LODI
PUBLIC WORKS DEPARTMENT

Atten: Sharon Welch
Associate Civil Engineer

Re: Residence Mr. & Mrs. Byron Weisz
1936 W. Edgewood Drive
Lodi, CA. 95242

Subject: Construction Application #10721
1936 W. Edgewood Drive
Lodi, CA. 95242

Dear Ms. Welch,

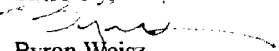
Per our conversation Thursday July 18, 1996 and the subsequent information that you provided to me concerning the Public Works Department review of my permit request to install a pool, I would like to request additional information regarding either a request for variance (with considerations for City conformance requirements or conditions) or the appeal process that would allow for some compromise as to sanction the additional improvements to my backyard.

The terms that are used in your correspondence in the second paragraph "may not" sounds so final in regards the initial location we have chosen to locate a pool in the backyard area. Surely there is room or a vehicle by which some compromise can be achieved that will allow my family to have this pool installed without causing or creating a liability issue with the city. I am willing at this time to provide whatever additional information, and would be open to any suggestions by your Department that would satisfy the City of Lodi Public Works Department and the Building Division allowing me to install this pool in my backyard. If I need to go before the City Council to get their permission to do this project, *please* put my request on their agenda. I believe it would be a benefit if I was able to meet with Mr. Jack Ronsko to discuss this issue. It would also be helpful to walk through the drawing as well as to meet at the house to look at the actual conditions.

The retaining wall referred to in your letter of July 10th was placed by me in the yard location to prevent the continued erosion and build up that has besieged my yard over the past couple of years during the rainy season. It is an interlocking brick system intended to prevent excessive erosion from occurring. I am willing also to apply for permit and submit whatever additional information that would be required to allow for this installation to remain to protect my property from this uncontrolled erosion. I apologize for my unawareness of the need to apply for permitting to install the retainer wall but I was told if the wall isn't over 4'-0" it would not require a permit.

Please consider my request knowing that I will provide my full cooperation to the City to remain compliant with the local jurisdiction. If you should have any questions please do not hesitate to contact me @ (209) 334-9119.

Sincerely,


Byron Weisz
1936 W. Edgewood Drive
Lodi, CA. 95237



MEMORANDUM, City of Lodi, Public Works Department

To: Chief Building Official
From: Associate Civil Engineer - Development Services
Date: July 10, 1996
Subject: Construction Application #10721
1936 W. Edgewood Drive, Lodi, California

CONSTRUCTION REQUIREMENTS:

Please add the following construction requirements to the Plans and the Building Permit for the subject project:

- **The swimming pool and appurtenant structures may not encroach on City-owned property.** The plans need to be revised to remove the encroachment and resubmitted for review by the Public Works Department.
- It also appears from the plans submitted that a retaining wall and steps have been constructed on City property without permit or permission from the City to construct improvements on City property.

Thank you,

A handwritten signature in cursive script, reading "Sharon A. Welch".

Sharon A. Welch
Associate Civil Engineer

cc: Mr. and Mrs. Byron Weisz
Swan Pools of California

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

July 10, 1996

Mr. and Mrs. Byron Weisz
1936 W. Edgewood Drive
Lodi, California 95242

SUBJECT: Construction Application #10721
1936 W. Edgewood Drive, Lodi, California

Your construction application has been reviewed by the Public Works Department for conformance with City requirements. The requirements are described on the attached sheet which has been forwarded to the Building Division for inclusion in your permit.

The swimming pool, pool decking, equipment pad and any other improvements to be constructed in conjunction with the swimming pool may not encroach on City-owned property. The improvements need to be contained within the property lines of your parcel. The plans need to be revised to remove the encroachment and resubmitted for further review.

It also appears that a retaining wall and steps have been constructed on City property without a building permit or permission from the City to use its property.

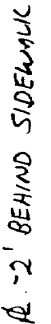
Should you have any questions, please call me at 333-6800 ext. 659.



Sharon A. Welch
Associate Civil Engineer

cc: Building Division
Swan Pools of California

WAN POOLS, INC.



T.L.P.
STREET

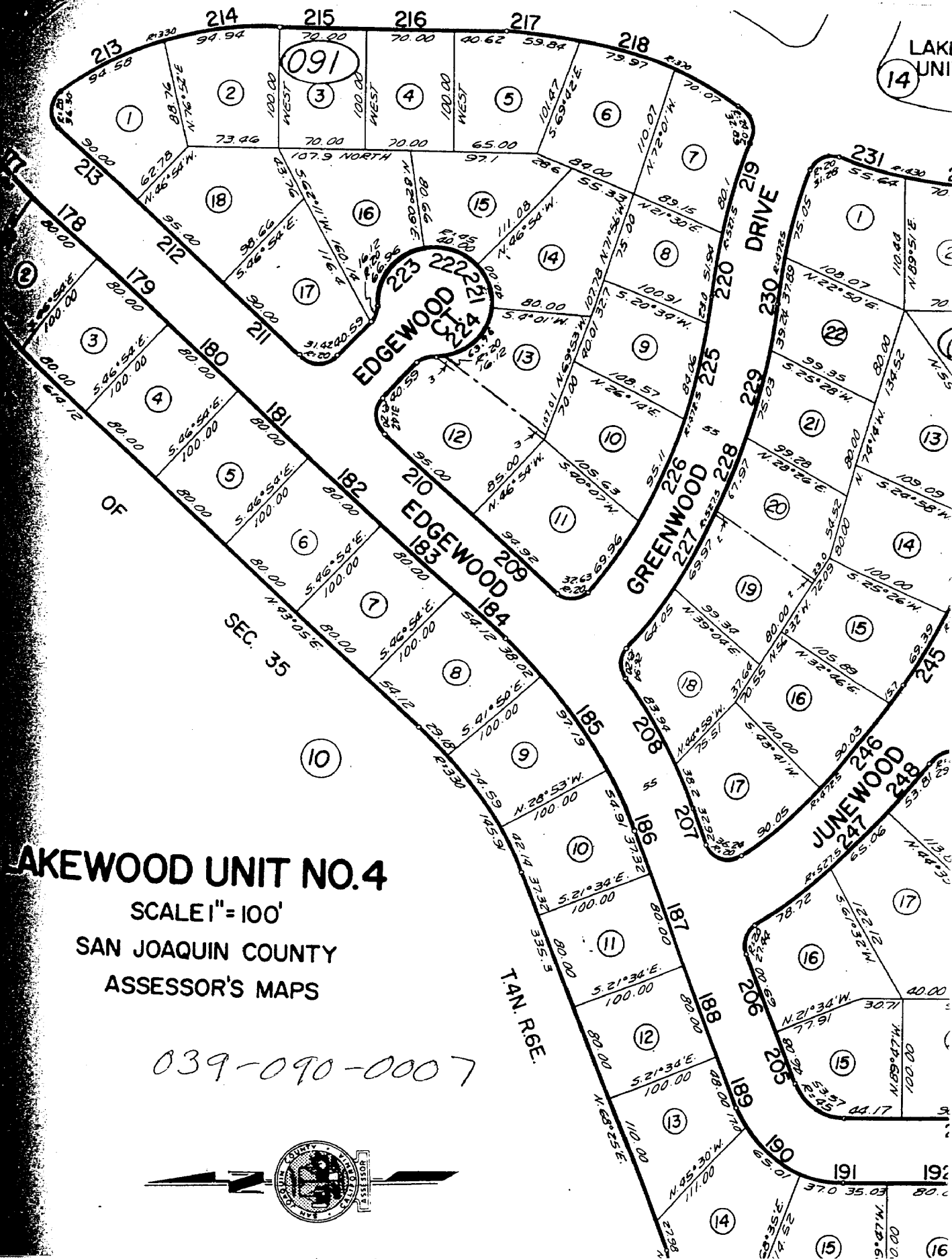
R.M. BK. 18 PG. 5

LOT NO. - 183

TRACT NO. - 814

(95240)

LAKE
UNIT
14

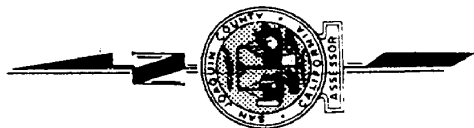


LAKEWOOD UNIT NO. 4

SCALE 1" = 100'

SAN JOAQUIN COUNTY
ASSESSOR'S MAPS

039-090-0007





CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: September 18, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, September 18, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal received from Byron Weisz regarding his application to install a pool at 1936 Edgewood Drive, Lodi.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

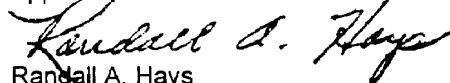
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: August 21, 1996

Approved as to form:


Randall A. Hays
City Attorney



DECLARATION OF MAILING

Public Hearing: APPEAL OF BYRON WEISZ

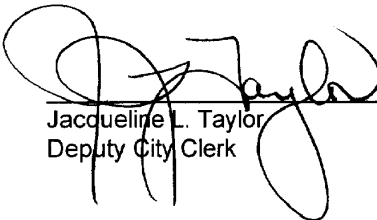
On August 22, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 22, 1996, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Taylor
Deputy City Clerk

Linda S. Nichols
Administrative Clerk

MAILING LIST

Mr. Byron Weisz
1936 Edgewood Drive
Lodi, CA 95240